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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2004 JUL 12 A 10:03

Jeff S. Jordan, Esq.  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

MUR 5461

Dear Mr. Jordan:

The undersigned represents, Moveon PAC, Moveon.org Voter Fund ("Voter Fund") and Wes Boyd, as Treasurer, of each organization. A Designation of Counsel Form is attached to this response. Moveon PAC is a federal political committee that is registered with the Commission. The Voter Fund is an unincorporated association that has been formed under section 527 of the Internal Revenue Code. The Voter Fund has filed numerous reports of electioneering communications on FEC Form 9. The Voter Fund is not a federal political committee.

As a threshold matter, please note that Neil Reiff is not the Treasurer of the Voter Fund and should not have been named as a respondent in this matter. Mr. Reiff has signed FEC Form 9 filings for the Voter Fund as its Custodian of Records but is not the Treasurer of the organization. Furthermore, the naming of the Voter Fund as a respondent in this matter is completely inappropriate and the Voter Fund should be immediately dismissed as a respondent in this matter. The Voter Fund is a completely separate organization from Moveon PAC and the website at issue in this complaint makes no references whatsoever to Moveon.org Voter Fund. Ultimately, the website appears to only encourage persons to make contributions to organizations that are federal PACs.

In this matter, the complainant alleges that a group of persons are operating a website that appears to violate the Federal Election Campaign Act. Specifically, the website, which appears to be some sort of "web community", encourages individuals to make contributions to the John Kerry for President campaign as well as to other progressive organizations. Such contributions appear to contemplate the exchange of

home made art items in exchange for a pledge to make contributions to political organizations. Certainly, this is one of thousands of similar free websites on the Internet which allow individuals to interact in a virtual community in a relatively anonymous way. It has been the Commission's practice to encourage campaign volunteers to form such websites to encourage virtual participation in the political process. See FEC Advisory Opinion 1999-17.

With respect to Moveon PAC or Moveon.org Voter Fund, no officer, employee or agent of Moveon.org PAC or Moveon.org Voter Fund has any knowledge of the individuals operating this website, and indeed, prior to the receipt of this complaint, none of them had any knowledge of the existence of this website. Thus, the allegation by the complainant that the website "creat[es] an improper linkage between the Kerry campaign and Moveon" is completely baseless.

Furthermore, to the extent that Moveon PAC or Moveon.org Voter Fund received any contributions as a result of the activities of persons on this website, there would be no way to know that the contribution was received in connection with participants of the website. Moveon PAC and Moveon.org Voter Fund take great pains to properly screen contributions received. The vast majority of contributions received by each organization are received through their respective websites. Each website thoroughly screens potential contributors in accordance with guidance provided by the Commission that creates a "safe harbor" for committees that accept contributions over the Internet. See FEC Advisory Opinion 1995-9.

Moveon PAC's web donation page can be found at:

<https://www.moveonpac.org/donate/donate.html>

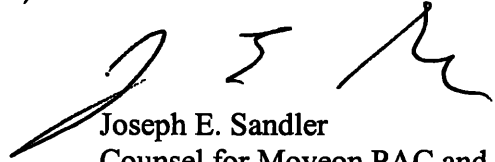
Moveon.org Voter Fund's web donation page can be found at:

<https://www.moveonvoterfund.org/donate/creditcard.html>

The Commission, in its Advisory Opinions, has stated that a political committee that screens contributions for legality will not be held liable if it is later learned that a contribution received by that organization violates any prohibition or limitation of the Federal Election Campaign Act. FEC Advisory Opinion 1995-9. As demonstrated by the website donation pages, both Moveon PAC and the Voter Fund have taken any and all steps necessary to prevent the acceptance of any contribution that would violate the FECA.

Moveon PAC and the Voter Fund have no knowledge as to the identities of any individual operating the "fan the vote" website, did not have any prior knowledge of the existence of the site, and are not aware of any specific contribution that was received in connection with any activity. For these reasons, the complaint should be dismissed with respect to Moveon PAC and the Voter Fund.

Sincerely,

A handwritten signature in black ink, appearing to read "JES", is written over the typed name.

Joseph E. Sandler  
Counsel for Moveon PAC and  
Moveon.org Voter Fund, and Wes  
Boyd, as Treasurer

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